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SUMMARY RECORD OF THE 716th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 5 June 2001, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Bhutan (continued) (CRC/C/3/Add.60; HRI/CORE/Add.105; CRC/C/Q/BHU/1; written replies of the Government of Bhutan (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of Bhutan took places at the Committee table.

2. Ms. OUEDRAOGO asked about Bhutan's social organization and how children of the upper classes and the nobility were treated in school and in society. She also noted that Bhutan's definition of non-discrimination did not comply with the provisions of article 2 of the Covenant, since it did not mention disability. She would therefore like to know how disabled children were treated.

3. In view of the recent opening of the country to western culture, it would be worth knowing what regulations had been introduced to protect children from potentially harmful filmed and other entertainment or publications. With regard to freedom of expression, she wished to know how children took part in decisions that concerned them at school and whether, for instance, school councils existed at district or village level.

4. Ms. CHUTIKUL, noting that Bhutan had ratified the Convention on the Elimination of All Forms of Discrimination against Women, wished to know what administrative, legislative or other measures had been taken to ensure gender equality in all layers of society. According to information received by the Committee, it seemed that a whole family could be collectively punished if one of its members committed an offence. Were children affected in the same way?

5. It would be useful to have details regarding the operation and use of census records and social services available to children born in refugee camps.

6. Ms. TIGERSTEDT-TÄHTELÄ wanted to know the exact significance of the principle of "One nation, one people", on which the policy of the Bhutanese authorities was based. With regard to the registration of births, she understood that the country had difficulties with census proceedings in practice, although, according to the report, the census was annual. What sort of difficulties were there?

7. She would also like details about the status and role of the Parliament, the way it was elected or appointed and its relations with the Government.

8. Mr. AL-SHEDDI said that there were two questions that concerned him. The first was the clear difference between girls and boys. In education, for instance, 70 per cent of illiterates were women. The second point was the education given to disabled children. According to information available to the Committee, it appeared that many disabled children were not receiving the services they needed. Some facilities had apparently been introduced for blind children, but nothing had been done for children suffering from other disabilities.

9. Mr. NGEDUP (Bhutan) explained that Bhutan was a small country squeezed between two giants. To the north, the Himalayas constituted a natural barrier, but to the south the country shared an extensive and extremely permeable frontier with India, which it was unable to control. That situation gave rise to endless problems of illegal immigration. A number of heavily armed militants hostile to the Indian Government were hiding on Bhutanese territory. Although the Bhutanese authorities were under pressure from India to expel those militants, they did not have the military means to do so. That factor had to be borne in mind, as it explained to some extent the vulnerable position in which Bhutan found itself. Moreover, the country had very few resources, whether financial or human, which made its efforts in terms of economic and social development all the more praiseworthy. The Bhutanese Government's policy was never discriminatory. All laws adopted were universal in scope, even though it was true that some areas in the north of the country had not yet benefited from development policies.

10. With regard to the implementation of the principle of non-discrimination, it had to be remembered that the Lhotshampas were not properly speaking a minority group. They were extremely well represented in the civil service, in the magistrature, in the armed forces and in commerce. In no respect were those inhabitants of the south denied their rights or, where their children were concerned, access to education.

11. Mr. TSHERING (Bhutan) said that children did not suffer discrimination on account of the citizenship and marriage laws and no one was refused access to Bhutanese nationality, since even non-Bhutanese mothers of Bhutanese children could apply for it.

12. With regard to sexual violence, it should be pointed out that the rape of children was punishable with sentences of up to 17 years' imprisonment. According to the law, all children aged under 9 had to be left in the care of their mothers, although the rule was flexible to some extent. Judges could interpret the law in the light of the best interests of the child and, in some cases, might grant the care of a child, even aged under 9, to the father. Physical punishment was forbidden in schools under the Ministry of Education's code of conduct for teachers, a rule which was enforced by school committees. Lastly, under the 1987 Nationality Act, every birth had to be registered, and even every Bhutanese child born abroad had to be registered with the nearest Bhutanese Embassy.

13. Ms. PENJOR (Bhutan) said that there was no gender discrimination in Bhutan. Until recently, girls' access to education was relatively limited, but the situation was tending to improve with the building of community schools. It was true that women, on account of their poor education, had been little represented in the civil service, but the situation should change very rapidly with the arrival on the labour market of young women who had had the opportunity to study. Women did take an active part, however, in trade and agriculture. The literacy rate among women was admittedly low, but the Government of Bhutan had set up out-of-school education centres, which were accessible to women and which should help alleviate the problem.

14. Mr. NGEDUP (Bhutan) added that studies had been undertaken in Bhutan to find ways of improving the situation of women there and to make up for current shortcomings, particularly in the field of employment and with regard to their position in the family.

15. Mr. CHOPHEL (Bhutan) said that the census record system had been abolished. Security clearance was still required, however, as in many other countries, for entry to the civil service, but it was absolutely not necessary for access to education or other social services.

16. In view of the increase in the sexual ill-treatment of children and in the problems of child trafficking in the region, the Government of Bhutan had decided to introduce preventive mechanisms in a field with which it had not so far had to deal. In addition, programmes of initiation to sexual health, which were soon to become a compulsory subject in secondary education, had been introduced for children attending school.

17. Most of the time, discrimination was related to a lack of resources or to geographical or topographical factors that prevented remote populations from having access to services. In Bhutan, however, the situation was different and paradoxical, insofar as the inhabitants of remote mountain areas had access to primary health care, while the poor living in urban centres were deprived of them. Bhutan should therefore adopt a new strategy to encourage people in that category to apply. There was no justification for depriving part of its population of primary health-care services, the quality of which had not passed unnoticed internationally, as shown by the many commendations the country had received for activities in that field. The World Health Organization, for instance, had awarded it a prize for its efficient use of human resources in the field of primary health care and another for its efforts to promote healthy lifestyles and to combat drug addiction and smoking. It was Bhutan's policy to improve the quality of life for future generations. It was also proud to be one of the two countries representing the developing world in the Global Alliance for Vaccines and Immunization, whose aims was to ensure that all children in the world were protected against diseases preventable by vaccination. Being aware that disabilities were often conducive to discrimination, the Government had introduced a community-based rehabilitation project as well as a mental health project as part of its five-year programme to improve the quality of life. It had also conducted two studies, in 1999 and 2000, which had shown that most disabilities affected either eyesight or hearing. Bhutan had therefore launched a programme of eye care to supply glasses free of charge to children unable to afford them. It had also set up workshops to train childcare physiotherapists. The Government was currently conducting a study to refine its strategy of care for the disabled, which it wanted to base on the community.

18. Mr. TSHONG (Bhutan) said that the strategy document his country had published as part of its Vision 2020 initiative gave a summary of Bhutan objectives for the next 10 years and of the obstacles it was likely to come up against in its planning. A whole chapter of the document was devoted to education and primary health care, areas to which Bhutan gave priority. Its policy was to ensure in the first place that every child's innate potential was given the fullest expression and that the gap in terms of education quality between urban and rural areas could gradually be filled. Bhutan had prepared a plan of action, which included the adoption of sectoral policies in the field of education, and it made every effort to implement them at community level. Since 1984, Bhutan had been conducting a policy of decentralization, aimed at enabling the population as a whole to benefit from national development, while gaining more decision-making power, so that all individuals at district level would become involved in decisions that concerned them. It was therefore up to local communities to prepare plans and implement them, while the Government's role was limited to providing funding and technical and material support. Thus the villagers themselves could decide whether to give preference to

modernizing the water supply or to building a school, whence the need to introduce ways of checking and monitoring development activities. At national level, five-year development plans were regularly monitored as part of the planning process. At district level, annual conferences on health, education and infrastructure development gave the representatives of all the sectors an opportunity to share their experience and devise new plans.

19. Mr. NGEDUP (Bhutan), referring to freedom of religion in his country, read out the press release of 26 April 2001, in which the Government of Bhutan replied to allegations that Christians had been given the choice of either renouncing their faith or leaving the country. Such allegations were totally unfounded and, quite of the contrary, people of Bhutan were free to practise whatever religion they wanted. While Hinduism and Buddhism were the two most heavily represented religions in the country, Christianity was also present and all religions coexisted peacefully. However, in order to avoid social tension, it was forbidden to proselytise or to offer sums of money to poor, illiterate villagers to obtain their conversion.

20. In Bhutan, all citizens were equal before the law. There was no nobility as such in the country, but teachers were treated with great respect.

21. Video cassettes and other audiovisual materials were freely marketable, but pornography was forbidden in Bhutan. By law, no pornographic material could be imported into the country. A censorship panel had been set up to view all imported material in order to protect children against any nefarious influence.

22. Schools ran their own councils, in which parents could take an active part in order to protect their children's interests. Children also played an active part in decisions that concerned them in school, through various committees, such as sports committees or cultural committees. They played a particularly prominent part in ceremonies organized in schools for the Global Movement for Children or UNICEF's campaign "Say Yes for children". The education system in Bhutan encouraged children to ask questions and to express their concerns, and even to express criticism, while urging teachers to provide the right replies. The idea of setting up a children's parliament, however, still appear somewhat premature for Bhutan, although the possibility was not excluded of launching a body of that type at some time in the future.

23. Bhutan was a small country with only 13,000 overloaded civil servants, which explained why it had still not submitted a report to the treaty body for the Convention on the Elimination of All Forms of Discrimination against Women, in accordance with its obligations under the terms of that Convention.

24. With regard to the children in the refugee camp in Nepal, he said Bhutan was not always in a position to intervene, since identification procedures concerning people living in the camp were still under way, which made it difficult for the authorities to intervene directly.

25. Bhutan's policy of "One nation, one people" gave rise to no incitement to racial discrimination; on the contrary, the idea was to gather together in one people all the ethnic minorities living in the country, in a spirit of unity and diversity. The Government had in fact launched a policy of encouraging mixed marriages through financial incentives, with a view to teaching all groups to live in harmony.

26. Mr. KESANG (Bhutan) described his country's system of single democratic theocracy. Bhutan's National Assembly was made up of 154 members, most of whom were directly elected by the people. It also comprised, however, some 10 or so representatives of the clergy and around 30 representatives appointed by the Government. Elected members held office for three years. The members of Parliament elected their own President and Vice-President.

27. Mr. NGEDUP (Bhutan), while admitting that the rate of illiteracy among girls was very high, said that his Government was aware of the need to close the gap between men and women in education if it was ever to achieve the objectives of the World Conference on Education for All. It had therefore established 180 out-of-school centres scattered across the country. Of the 70,000 persons attending those establishments, 75 per cent were women. They could learn to read and write there, but also had access to guidance on reproductive health and hygiene and were told about WHO's safe motherhood principles.

28. Mr. KESANG (Bhutan) said that in recent decades his country had known peace, stability and progress and had experienced no conflict, nor any natural disaster. Only political reasons, therefore, could explain why there were Bhutanese refugee camps currently in Nepal.

29. Looking back at the historic origins of the problem, he said that in the first part of the twentieth century, Bhutan had contracted immigrant workers to work on deforestation in the south of the country. Subsequently, those workers had settled on the deforested land and in 1958 the Government had granted them Bhutanese nationality. Then, after 1961, the country had launched a vast development campaign, once again bringing in immigrant workers, who also stayed and married in the country. At the same time, tens of thousands of clandestine workers, including many Nepalese, had entered the country, attracted by higher salaries than in the rest of the region, free social services and the prevailing conditions of peace and stability.

30. Bhutan was currently the last independent Buddhist State in the Himalayas, although 50 years earlier there had still been half a dozen. That was why the country wanted to retain its national identity and sovereignty and to ensure its security, refusing to see its ethnic make up transformed and to add its name to the list of countries that had disappeared. In 1988, it had decided to organize a census, with a view to strengthening its domestic legislation, including its laws on nationality, and protecting the fundamental rights of its children as Bhutanese citizens. Some Bhutanese nationals in the southern regions of the country, however, had been opposed to the census, fearing that the country might go back on its open door policy. But no country, not even the wealthiest, could afford to leave its doors wide open to immigration. When the census was carried out, thousands of clandestine immigrants had been identified and asked to leave the country. Some of them, supported by certain Bhutanese groups, had opposed the decision with violence, going so far as to perpetrate acts of terrorism in schools and hospitals in order to destabilize the country. Having failed in their attempt, the groups of expelled immigrants went to Nepal, where, pretending to be refugees from Bhutan and as they had announced before leaving, they had opened a camp, which to start with included 232 persons. The United Nations High Commissioner for Refugees, called in by the Nepalese Government, had waited two years before applying UNHCR's normal selection and identity verification procedures, so that very rapidly the camps had proliferated and their population, swollen by all sorts of individuals from the subregion, rose as high as 80,000. The current figure of 98,000 was due merely to natural population growth. From the start, Bhutan had maintained that all sorts of

individuals had entered the camps pretending to be refugees. On the other hand, it had always made clear that it would assist any Bhutanese national who had been wrongly expelled from his country, and had undertaken to repatriate those concerned.

31. In the event, an agreement had finally been reached between Nepal and Bhutan in December 2000, with a view to checking the identity of the camp dwellers, who had been classified into four categories. The joint verification team had begun its activities in March 2001, in an atmosphere of cooperation and understanding. The Bhutanese Minister for Foreign Affairs had assured the High Commissioner for Human Rights, when he had met her in Geneva in May 2001, that the two parties would try to speed up the process as soon as the verification operations had been concluded in the first camp. Furthermore, the two countries had taken the firm resolution to arrive at a just and lasting settlement of the matter and shared the concerns expressed by Committee members, and by the whole of the international community, regarding the humanitarian situation of the inhabitants of the camps and their children. Bhutan undertook to abide by any agreement reached with Nepal, including with regard to the resettlement of persons fulfilling the conditions required for repatriation. It hoped, moreover, that the international community would give its backing to the implementation of the final accord concluded between the two parties.

32. In reply to the question regarding resettlements, he pointed out that Bhutan made a regular practice of allocating public lands to poor, landless peasants, regardless of origin. The Lhotshampas had in fact been the main beneficiaries of those measures.

33. The CHAIRPERSON thanked the delegation of Bhutan for the explanations and expressed the hope that a fair solution would be found for all the inhabitants of the camps. He also hoped that the resettlement operations mentioned earlier would not have the effect of impeding the repatriation of Bhutanese refugees who had lost their land when they had left the country.

34. Mr. KESANG (Bhutan) said that, with regard to resettlements and repatriations, Nepal and Bhutan had reached an agreement whereby, while the identity verification process was being conducted, the two Governments should harmonize their positions regarding the four categories of camp inhabitants. The State party would endeavour to implement any decision taken in that respect. The Ministers for Foreign Affairs of the two countries planned to discuss the matter towards the end of July 2001.

35. Ms. KARP congratulated the State party on the well-deserved distinction it had been awarded by the World Health Organization. She thanked the delegation for providing clear replies and welcomed the Government of Bhutan's statement that it felt committed to strengthen its procedures for the implementation of the Covenant. She pointed out, however, that when it came to children, and particularly children growing up in refugee camps, decisions could no longer be delayed.

36. Regardless of the facts, it was clear that some parts of the population might consider in good faith that their rights were not being respected and might fight to defend them. In that respect, she would like to know what steps the Government intended to take to arrive at a fair solution, in particular by proposing constructive measures, rather than going back over the past

in an effort to determine who was to blame. The State party should try to establish a mechanism that would allow all parties concerned to express their grievances, whether justified or imaginary, so that real problems could meet with practical solutions.

37. She welcomed the adoption of directives on physical punishment and inquired what steps were taken to ensure that they were applied in everyday life, especially to assist children who had been exposed to violence and were in need of care. She also welcomed the effort the State party had made to serve remote regions, by appealing to the communities and by implementing programmes specifically intended for young people. With regard to disabled children, she wondered what sort of arrangements, including financial, were made to help the families. She also wanted to know whether there were any programmes to assist children taking drugs, for whom the prevention measures mentioned earlier had failed. Lastly, she called the State party's attention to the Committee's general comment concerning the aims of education and, with regard to training specifically provided in the area of human rights, recommended that it should not only prepare teachers and develop teaching material, but also follow the precepts of article 29 of the Covenant.

38. Ms. AL-THANI welcomed the encouraging results achieved by the State party in the field of health and asked whether the Government had found a way of increasing its still inadequate resources in medical and paramedical staff. She also wanted to know the results of the pilot project for providing disabled children with regular schooling.

39. Ms. OUEDRAOGO welcomed the establishment of the educational brochure on sexual health and the reproductive behaviour of young people, but wondered what help was given to young girls who became pregnant and whether contraceptive pills and contraceptive sheaths were to be distributed. She also asked whether a programme had been introduced to deal with the HIV/AIDS pandemic, even though there were only very few cases, and she asked why so few child births were assisted by qualified staff and why there were so few consultations on prenatal and contraceptive matters.

40. Did the Bhutanese population make use of traditional medicine, and if so, what was being done to improve it. Were any eating restrictions imposed by religion or custom?

41. With regard to adoption, was a monitoring of adopted children required by law and was international adoption allowed?

42. Mr. CITARELLA referring to the very low figure indicated in the written replies regarding the number of minors convicted of an offence, wondered whether the figures given, which had been produced by the police, tallied with those of the Ministry of Justice. What was the age of criminal responsibility in Bhutan?

43. Ms. SARDENBERG welcomed the bilateral agreement with Nepal to verify the identity of persons living in refugee camps and encouraged the State party to continue to cooperate with the Nepalese Government. She also urged the Government of Bhutan to continue working with the UNDP to promote the cause of women.

44. With regard to the dissemination of the Covenant, she said it would be useful if it were translated into all the local languages and wondered how the delegation intended to inform the public of the Committee's views on the report when it returned to Bhutan.

45. Unlike in other south-east Asian countries, not many children worked in Bhutan. However, considering that the situation appeared to be worsening in that respect, did the Government propose to take any measures and did it intend to ratify ILO Conventions 138 and 182?

46. The CHAIRPERSON asked why, as was indicated in the written replies, the success rate of boys in the sixth year of schooling was clearly below that of the first year.

47. While spectacular progress had been achieved in terms of reducing infant mortality between 1984 and 1994, the statistics had remained unchanged between 1994 and 1999. What was the reason?

48. Mr. NGEDUP (Bhutan) took note of the Committee's concerns regarding refugees and said that he would duly inform his Government.

49. The issue of ill-treatment, physical punishment and sexual violence had been raised only recently in Bhutan. An advice and vocational guidance section for young people had been set up to enable children who had been exposed to that type of abuse to talk about it with a qualified person. Interviews were confidential and could be followed up, if the children so wished, by administrative, judicial or other measures. The service was only just starting, so that there was still a need to train staff in order to set up similar centres all over the country.

50. With regard to the disabled, the Government's policy was to help them to become independent by giving them some kind of vocational training, so that they could become full members of society. It should also enable the disabled to do without financial assistance from the State. There was a possibility, of course, that such a policy might not be successful in every case, but he could assure the Committee that the idea of providing assistance would be duly considered.

51. With regard to drug addicts, there was a system of encouraging patients to attend detoxification centres in India and in Thailand, since facilities in Bhutanese hospitals were limited. Such patients were accompanied by medical staff and their expenses were paid for. About 80 per cent belong to the poorest layers of the population and lived in the suburbs. The Government was keen to maintain that system of guidance.

52. As far as introducing education concerning human rights and rights of the child in school curricula, since the latter had reached saturation point and were essentially geared to preparing young people for their working lives, it would be preferable to incorporate those rights in the school environment as a whole. He would be willing in any case to submit the recommendation to the annual conference of education authorities, which was the body that took decisions in all matters concerning education.

53. In the field of sex education and the prevention of sexually transmitted diseases, experience had shown that it was preferable to adopt an indirect approach. The Ministry of Health and Education had therefore published information brochures on sexually transmitted diseases, the use of contraceptives and the effects of puberty, which had been circulated in schools. It was also easy to obtain contraceptives discreetly in health centres. The figure given in the written replies for the proportion of people using contraceptives was wrong, and should read 32 per cent.

54. Mr. CHOPHEL (Bhutan) said that the Ministry of Health and Education had been concentrating its efforts on improving the quality and standardization of its services. Its efforts had been hampered, however, by the lack of qualified personnel. There were 72 medical institutes, that taught allopathy and traditional medicine. Since those establishments did not train enough doctors to meet the country's requirements, Bhutanese doctors were sent for further training abroad and foreign doctors were recruited to replace them during their absence, in accordance with a master plan.

55. For the disabled, a pilot school had been set up in the capital, which would be operational at the beginning of the 2002 school year. Teachers were being trained and infrastructures adapted according to the needs of future schoolchildren.

56. The question had been asked why women mostly gave birth at home and why so few went to health centres. One of the reasons was the low proportion of women among the staff in those centres. That situation was due to change before long, however, under the terms of a new decree by the Ministry of Health and Education, whereby female nurses had to spend a specified period working in primary healthcare centres. Another explanation was that women generally felt more comfortable at home. Most of those who gave birth at home, however, were assisted by medical staff. In fact, maternal mortality was constantly falling, which showed that the Ministry of Health's strategy concerning safe motherhood was being successfully applied. With regard to infant mortality statistics, the rate for the year 2000 was not 84 per cent, as mistakenly indicated in the written replies, but 60.5 per cent.

57. As far as discrimination was concerned, the Government paid great attention to any cases that were reported and was always prepared to take preventive measures in that respect.

58. Mr. NGEDUP (Bhutan), replying to the question on food restrictions, said that only Hindus practiced such restrictions by excluding beef from their diet.

59. They had been asked what the delegation would do on its return to Bhutan. It would first hold a meeting in order to discuss the Committee's recommendations and the key points emerging from consideration of the report. It would then determine what short and long-term measures would need to be taken, would report on the debates on radio and television and would publish an account of the consideration of the report in the press.

60. With regard to the recommendation that the Convention should be translated into local languages, he thought it was preferable to disseminate the text in English, since it was de facto the official language of the country as well as the teaching language. However, if any linguistic groups so wished, the Convention could be translated into their language as well.

61. Any replies to the Chairperson's questions which the delegation had not had time to give would be forwarded in due course.

62. Ms. KARP, running through the Committee's preliminary observations, commended the constructive dialogue which had taken place with the delegation of Bhutan and the opportunity the Committee had been given to become better acquainted with the State parties' culture. She found it very encouraging that the King of Bhutan gave his personal backing to the promotion of the rights of the child. She also welcomed the considerable progress which had been achieved in the areas of health and education and noted with satisfaction that a multisectoral method had been adopted and that local structures had been established to ensure the protection of children in remote regions.

63. She recommended that the State party should prepare a children's code, which would incorporate the principles of the Convention and which could serve as a reference for any future measures concerning children. It should be ensured moreover, that children were able to express their views in the rural community and at school. The Government should strengthen its programmes in favour of the most vulnerable groups, including the suburban poor. Studies should be made on the requirements of the disabled, the ill-treatment of children, physical punishment, child labour and into areas where new problems appeared, so that programmes could be drawn up on a sound basis. It would also be desirable to introduce human rights and rights of the child instruction in school, since if children knew what a violation was, they could react. She had taken note of the important statement made by the delegation about the refugee camps and urged its members to convey the Committee's concerns regarding that situation to their Government. Lastly, she suggested that the Government of Bhutan should set up an independent and easily accessible Ombudsman's Office to deal with children's complaints. In that respect, Bhutan might call upon the technical assistance of UNICEF or the European Network of Ombudsmen for Children (ENOC).

64. Mr. NGEDUP (Bhutan) welcomed the constructive and instructive dialogue his delegation had maintained with the Committee. The Committee might rest assured that its comments would be duly taken into account. He wished to thank the international organizations for the help they had provided Bhutan to improve the situation of the refugees.

65. The CHAIRPERSON said that the Committee truly appreciated the quality and frankness of its dialogue with the State party and the latter's commitment to implement the Convention. While recognizing that Bhutan would need time to apply the Committee's recommendations, the Chairperson urged it nevertheless to be as quick and effective as possible.

The meeting rose at 6.05 p.m.